

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The passage of Assembly Bill (AB) 429, Chapter 111, Statutes of 2001, makes changes to Welfare and Institutions Code Section 11203 as it pertains to the temporary absence of CalWORKs Assistance Unit (AU) members. The revision permits the parents of children who have been removed from the home and are receiving out-of-home care, to continue to receive CalWORKs funded services, such as substance abuse and mental health services, if the county determines such services are necessary for family reunification. To provide services to these recipients in a timely fashion, the law requires the California Department of Social Services (CDSS) to promulgate emergency regulations. Welfare and Institutions Code Section 11369 provides the CDSS with the authority to develop these regulations on an emergency basis.
2. The legislation specifies that the initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. The law also provides that the initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and first readoption shall each remain in effect for no more than 180 days.
3. These regulations ensure services, necessary for family reunification, will be available to eligible parents.
4. Failure to implement these regulations in a timely manner may delay the provision of family reunification services necessary to reunite CalWORKs parents with their children.
5. The non-emergency rulemaking process set forth in the Administrative Procedure Act is sufficiently lengthy that it is not possible to implement regulation changes on an immediate basis as required by the legislation.
6. Therefore, in order to provide necessary services that will assist CalWORKs parents in reunification with their children, these regulations are adopted on an emergency basis to be effective upon filing with the Secretary of State.

INFORMATIVE DIGEST

The passage of Assembly Bill (AB) 429, Chapter 111, Statutes of 2001, makes changes to Welfare and Institutions Code Section 11203 as it pertains to the temporary absence of CalWORKs Assistance Unit (AU) members. The revision permits the parents of children who have been removed from the home and receiving out-of-home care, to continue to receive CalWORKs funded services, such as substance abuse and mental health services, if the county determines such services are necessary for family reunification.

COST ESTIMATE

1. Costs or Savings to State Agencies: Savings of approximately \$2,840,000 annually, already budgeted in the 2002-2003 State Fiscal Year. These savings have already been included in the CY budget (2002-2003) due to anticipated reduction in Foster Care assistance costs. There will be no service costs because services are to be funded with the existing single allocation.
2. Costs to Local Agencies or School Districts: Savings of approximately \$4,260,000 annually, already budgeted in the 2002-2003 State Fiscal Year, due to anticipated reduction in Foster Care assistance costs. There will be no service costs because services are to be funded with the existing single allocation.
3. Nondiscretionary Costs or Savings to Local Agencies:None.
4. Federal Funding to State Agencies: Savings of approximately \$3,377,000 annually, already budgeted in the 2002-2003 State Fiscal Year, due to anticipated reduction in Foster Care assistance payments. There will be no service costs because services are to be funded with the existing single allocation.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will result in no costs and may result in savings.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, 10604, and 11203. Subject regulations implement and make specific Welfare and Institutions Code Sections 10553, 10554, 11203, 11323, 11325.21, 11325.4, 11327.5, 11454, 15204.2, 15204.8, 16501, 16501.1(d), (e), (f), and (g), and 16507; 42 USC 408(a)(10); 42 USC Section 608; 45 CFR 233.20; and Nickols v. Saenz, San Francisco Superior Court Case Number 310867, August 25, 2000.